

**REMARKS-General**

The newly drafted independent claims 14 and 26 incorporate all structural limitations of the original claims 1 and 8 respectively and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 14 to 30 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

With regard to the rejection of record based on prior art, Applicant will advance arguments to illustrate the manner in which the invention defined by the newly introduced claims is patentably distinguishable from the prior art of record. Reconsideration of the present application is requested.

**Regarding to the Qualification of the Heider patent as Prior Art under 35USC102**

Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

In view of 35 U.S.C. 102(e), it is apparent that a person shall not be entitled to a patent when his or her invention was described in an application patent which is published under section 122(b) by another filed in the United States before the invention by the applicant for patent.

However, the Heider (US 5,276,863) patent and the instant invention are not the same invention according to the fact that the independent claims 1 and 32 of the Heider patent does not read upon the instant invention and the independent claims 14 and 26 of the instant invention does not read upon the Heider patent either. Apparently,

the instant invention, which discloses a method and apparatus of switching two status of a computing system, should not be the same invention as the Heider patent which discloses a method of providing access to the console functionality of a computer system in response to console function requests.

More specifically, it is submitted that the newly amended claims 14 to 30 of the instant invention are different from Heider patent, due to the following reasons:

(a) Referring to the newly amended claims 14 and 26, Heider discloses a computer system which can be switched to the console state from an ON state under several circumstances (Heider, Col 13, Lines 24 to 25). The Heider patent, however, does not disclose that the two statuses of the computing system (the ON state and the console state) are **independent** from each other in the sense that each one particular status (i.e. the first status or the second status) is prohibited from accessing (i.e. reading and writing) the other status, so that the first data set and the second data set are **securely separated** from each other. Regarding to this feature, it is particularly important to point out that in Heider, information exchange between the ON state and the console state is still possible, thus jeopardizing the security and independence of the states of the computer system.

Moreover, Heider disclose a computer system which can be switched between different states (e.g. On state and console state). It must be appreciated the computer system in Heider utilizes more than one CPU (e.g. the console CPU 18 and the main CPU 16), whereas in the instant invention, a single central processing unit is utilized to accomplish switching of statuses of the computing system, wherein the first and the second status is **independent** from each other in the sense that the first data set and the second data set **can only be accessed** when the computing system is in that particular status.

(b) Referring to the newly amended claims 20 to 21, Heider discloses software responsible for organizing and coordinating the flow of information between different nodes. Moreover Heider discloses an access functionality software to handle access to console functionality (Heider, Col 17, Lines 13-16). It must be pointed out that Heider is silent as to any monitoring unit adapted for ensuring that all the responses to switch requests can be executed only by the control commands stored in the

corresponding memory within the computing system. This prevents hackers from controlling the computing system and switches the computing system between the first and the second status.

(c) Referring to the newly amended claims 22, 23 and 27, Heider discloses that a non-maskable interrupt (NMI) is directly sent to the console CPU (Heider, Col. 14, Lines 15-17). The difference between Heider patent and the instant invention is that a conventional NMI transmission can be interrupted by resetting the computing system. The instant invention involves a set trigger which is adapted to send out non-interruptable NMI.

### **The Cited but Non-Applied References**

The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 14 to 30 at an early date is solicited.



Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

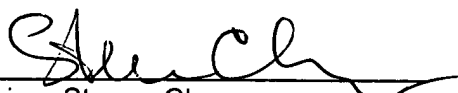
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#### CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

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